

EPA Orders CF Industries to End Waste Discharge Into Chickamauga

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The Environmental Protection Agency has ordered CF Industries to stop discharging untreated industrial waste into Chickamauga Lake by Sept. 9.

James Dickerson, CF plant manager, said that it now appears that if the plant is forced to stop the discharge officials will have to shut down the plant, an action he said would cost the company about \$100,000 a day.

CF officials, however, are considering other alternatives, Dickerson said. "We have several days to decide exactly what our best approach to the problem will be. We are considering negotiating with them (EPA) further before making a definite decision, and they have

indicated that they are willing to talk."

"It is never easy when you've got a significant water pollution control device and you lose it," Dickerson said. "It's your principal source of operation."

An explosion at the fertilizer plant last Friday morning destroyed \$500,000 in water pollution control equipment, and in the wee hours Saturday morning, when the plant's retention pond was within one inch of running over, CF decided to divert the flow of raw waste water to the lake.

Paul Traina, director of EPA's enforcement division in Atlanta, said that the EPA has not concluded that the

CF discharge represents a potential health hazard but has taken administrative action against the industry because the discharge is in violation of its permit, and thus, federal law.

He said that if the administrative order issued Tuesday afternoon is not complied with, EPA has the option of referring the matter to the U.S. attorney for appropriate civil and/or criminal penalty and injunctive relief. A civil penalty could be as much as \$10,000 per day, and a criminal penalty could be as much as \$25,000 per day, he said. Traina, however, emphasized that these legal remedies are only options and that the EPA has made no decision to utilize those options.

Included in the EPA order is the requirement that "under no circumstances is the permittee (CF Industries) to discharge into Poe branch in violation of its permit."

Poe branch empties into Fryar Branch, a tributary of South Chickamauga Creek and the ordinary receiving stream for CF effluent.

Dickerson said that fear of runoff into Fryar Branch is one reason that CF sees use of a partially completed retention pond as an undesirable option.

The retention pond is scheduled for completion in mid-winter, Dickerson said, and could hold up to 20 days' discharge of waste water if the area experienced average rainfall. If there

were no rain at all, he continued, the pond could accommodate 40 days' discharge. Even with 40 rain-free days, he said, CF would not have enough time to replace its water pollution control equipment.

"If you fill (the pond) with contaminated water and you have a rain, it's going to go into Fryar Branch, and we absolutely cannot live with that," Dickerson said. "No one can."

Fryar Branch would not provide nearly the magnitude of dilution that is afforded by Chickamauga Lake for the untreated wastes, and it empties into South Chickamauga Creek and that into the Tennessee River some two miles directly above the Tennessee-American Water Co. intake pipes. With the diverted flow, the waste goes into Chickamauga Lake about eight miles above the intake pipes.

The EPA order instructs CF Industries officials to notify the EPA no later than Sept. 10 whether or not it has stopped the discharge and requires that industry officials make a "complete and thorough status report" before EPA officials on a daily basis the condition of all treatment lagoons (retention ponds) being utilized and advise this agency immediately of any threat of rupture or other possible failure of said treatment lagoons.